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SPY-TAFOYA;430 CIA Witnesses Won't Be Called In T

By BOB KERR Associated Press Writer

FORT COLLINS, Colo. (AP) - Two men identified by D as former CIA agents won't be called to testify in former Green Beret accused of shooting a Libyan dissident, prosecutors say.

Eugene Tafoya, on trial in Larimer County District Court for charges of attempted murder in the shooting of Faisal Zagallai, contends he he was on a mission for the Central Intelligence Agency when he went to Zagallai's apartment on the night of the shooting.

Deputy District Attorney Larry Abrahamson told reporters Friday the prosecution did not plan to call Kevin P. Mulcahy of Arlington, Va., or Luke Thompson of Kialua, Hawaii, even though they were subpoenaed as possible witnesses for the prosecution.

Defense attorney Walter Gerash identified both men as former CIA agents.

Thompson appeared in the courtroom shortly before the Friday afternoon session was to open but District Judge J. Robert Miller announced a recess until Monday because a juror's daughter was injured in a schoolyard accident.

After Miller called the recess, Thompson was escorted by police officers into Miller's chambers and Abrahamson met with reporters outside the courtroom.

He said District Attorney Stuart Van Meveren would not call Thompson or Muclahy and added that the prosecution planned to call only four or five more witnesses.

"We hope to finish sometime Monday," Abrahamson said.

Van Meveren said in his opening arguments that he would prove Tafoya was a hired assassin who conspired with one or more people to kill Zagallai for the government of Libyan leader Col. Moammar Khadafy.

Gerash told jurors in his opening statement that Tafoya had worked with the CIA in southeast Asia and believed he was working for the agency when he went to Tafoya's apartment on Oct. 14, 1980 to warn him to stop dissident activities.

The agency has stated it did not contact Tafoya.

Gerash said Tafoya shot the former Colorado State University graduate student in self defense. Zagallai survived, but lost use of his right eye.

During Friday morning's session, Miller ruled Gerash could not question a police detective about a statement Tafoya made last Sept. 29 in which he said that he believed he was on a CIA mission when Zagallai was shot.

Miller's ruling blocked a defense move to get Tafoya's story before jurors without Tafoya taking the stand.

Miller also denied a motion by Gerash to have the jury sequestered due to what Gerash called the "scope and intensity of news

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